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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,727	11/30/2000	Christopher Michael Welborn		5316

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EXAMINER	
ABRISHAMKAR, KAVEH	
ART UNIT	**PAPER NUMBER**
2131	5

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/728,727	WELBORN ET AL.	
	Examiner	Art Unit	
	Kaveh Abrishamakar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on November 30, 2000. Claims 1-17 were received for consideration. No preliminary amendments for the claims were filed. Claims 1-17 are currently being considered.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 4, is attached to the Office action.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 17 and 18 have been renumbered 16 and 17, respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 8, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Flynn et al. (U.S. Patent 6,618,747).

Regarding claim 6, Flynn discloses:

A computer virus avoidance system and an e-mail system, comprising: a means for sending an e-mail with an attachment to an e-mail address, and a means to send an e-mail to a specific e-mail address of a web-page on the internet's World Wide Web when the attachment is opened (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6-19).

Regarding claim 12, Flynn discloses:

A computer virus avoidance system in a computer network and a system for sending an email wherein an e-mail is sent to an e-mail address, and the e-mail has an attachment that sends an e-mail to a specific web-page on the internet's World Wide Web when the attachment is opened (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6-19).

Claim 8 is rejected as applied above in rejecting claim 6. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 6, wherein an e-mail message is sent to users that open the attachment (column 5 line 55 – column 6 line 65, column 7 lines 6-19).

Claim 14 is rejected as applied above in rejecting claim 12. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 12, wherein an e-mail message is sent to users that open the attachment (column 5 line 55 – column 6 line 65, column 7 lines 6-19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (U.S. Patent 6,618,747).

Regarding claim 1, Flynn discloses:

1. A computer virus avoidance system that sends an e-mail with an attachment to e-mail users, and creates a list of e-mail users that open the attachment (column 5 line 55 – column 6 line 65).

Flynn does not explicitly disclose an accessible list on a page of the World Wide Web. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Flynn discloses:

The computer virus avoidance system of claim 1, wherein an e-mail message is sent to users that open the attachment (column 5 line 55 – column 6 line 65, column 7 lines 6-19).

Claim 9 is rejected as applied above in rejecting claim 6. Furthermore, Lynn discloses:

The computer avoidance system of claim 6. Flynn does not explicitly disclose an accessible list that shows the users' email addresses on a page of the World Wide Web. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of

the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claim 15 is rejected as applied above in rejecting claim 12. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 12. Lynn does not explicitly disclose Flynn does not explicitly disclose an accessible list that shows the users' email addresses on a page of the World Wide Web. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claims 2, 4-5, 7, 10-11, 13, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (U.S. Patent 6,618,747) in view of Gough et al. (U.S. Patent 6,687,740).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Flynn discloses:

The computer virus avoidance system of claim 1. Lynn does not explicitly teach displaying a message to the user when the attachment is opened. Gough teaches an "application program" that is attached to a message, and when this application program is opened, any text can be displayed (column 3 lines 35 – 50). It was well-known in the art at the time of the applicant's invention, that an attachment to an email could be almost be of any nature, including text. Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to use the text feature to display a text message to a user in cases where acknowledgement or an instruction are desired to be given without interrupting the text of the email message.

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 1. Lynn does not explicitly describe the attachment of the email transmitting replications of itself to other email users. Gough discloses the attachment of the email transmitting replications of itself to other email users (column 10 lines 50-65, column 11 lines 51-60). Gough uses the feature of replication of the attachment as an example of a way that advertisements can take place by replicating the message and sending the message and attachment to a

plurality of users. The attachment to an email address can be an application program, as delineated by Gough, and can generate one of many functions, including replication and forwarding of the email. Therefore it would have been obvious to one of ordinary skill in the art, to combine the replication feature of the attachment of Gough with Lynn's message with an attachment to achieve wider spread users for multiple purposes including advertisement, and broadcasts.

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 6. Lynn does not explicitly teach displaying a message to the user when the attachment is opened. Gough teaches an "application program" that is attached to a message, and when this application program is opened, any text can be displayed (column 3 lines 35 – 50). It was well-known in the art at the time of the applicant's invention, that an attachment to an email could be almost be of any nature, including text. Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to use the text feature to display a text message to a user in cases where acknowledgement or an instruction are desired to be given without interrupting the text of the email message.

Claim 10 is rejected as applied above in rejecting claim 6. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 6. Lynn does not explicitly describe the attachment of the email transmitting replications of itself to other email users. Gough discloses the attachment of the email transmitting replications of itself to

other email users (column 10 lines 50-65, column 11 lines 51-60). Gough uses the feature of replication of the attachment as an example of a way that advertisements can take place by replicating the message and sending the message and attachment to a plurality of users. The attachment to an email address can be an application program, as delineated by Gough, and can generate one of many functions, including replication and forwarding of the email. Therefore it would have been obvious to one of ordinary skill in the art, to combine the replication feature of the attachment of Gough with Lynn's message with an attachment to achieve wider spread users for multiple purposes including advertisement, and broadcasts.

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 12. Lynn does not explicitly teach displaying a message to the user when the attachment is opened. Gough teaches an "application program" that is attached to a message, and when this application program is opened, any text can be displayed (column 3 lines 35 – 50). It was well-known in the art at the time of the applicant's invention, that an attachment to an email could be almost be of any nature, including text. Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to use the text feature to display a text message to a user in cases where acknowledgement or an instruction are desired to be given without interrupting the text of the email message.

Claim 16 is rejected as applied above in rejecting claim 12. Furthermore, Lynn discloses:

The computer virus avoidance system of claim 12. Lynn does not explicitly describe the attachment of the email transmitting replications of itself to other email users. Gough discloses the attachment of the email transmitting replications of itself to other email users (column 10 lines 50-65, column 11 lines 51-60). Gough uses the feature of replication of the attachment as an example of a way that advertisements can take place by replicating the message and sending the message and attachment to a plurality of users. The attachment to an email address can be an application program, as delineated by Gough, and can generate one of many functions, including replication and forwarding of the email. Therefore it would have been obvious to one of ordinary skill in the art, to combine the replication feature of the attachment of Gough with Lynn's message with an attachment to achieve wider spread users for multiple purposes including advertisement, and broadcasts.

Claim 5 is rejected as applied above in rejecting claim 4. Lynn does not explicitly discloses the computer virus system wherein the number of replication and transmission cycles is limited. Gough discloses a system wherein the number of replication and transmission cycles is limited (column 13 lines 43-50). This feature will allow users to not be bombarded with unwanted emails/messages and it would preserve bandwidth on the network. Therefore it would have been obvious to combine the teachings of Lynn

and Gough to limit the number of replications to limit the usage of bandwidth and storage space on users' electronic mailboxes.

Claim 11 is rejected as applied above in rejecting claim 10. Lynn does not explicitly discloses the computer virus system wherein the number of replication and transmission cycles is limited. Gough discloses a system wherein the number of replication and transmission cycles is limited (column 13 lines 43-50). This feature will allow users to not be bombarded with unwanted emails/messages and it would preserve bandwidth on the network. Therefore it would have been obvious to combine the teachings of Lynn and Gough to limit the number of replications to limit the usage of bandwidth and storage space on users' electronic mailboxes.

Claim 17 is rejected as applied above in rejecting claim 16. Lynn does not explicitly discloses the computer virus system wherein the number of replication and transmission cycles is limited. Gough discloses a system wherein the number of replication and transmission cycles is limited (column 13 lines 43-50). This feature will allow users to not be bombarded with unwanted emails/messages and it would preserve bandwidth on the network. Therefore it would have been obvious to combine the teachings of Lynn and Gough to limit the number of replications to limit the usage of bandwidth and storage space on users' electronic mailboxes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8914. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KA
04/18/2004

AYAZ SHEIKH
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